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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ROBERT M BAUER, ESQ.  
LACKENBACH SIEGEL, LLP  
1 CHASE ROAD  
SCARSDALE, NY 10583

EXAMINER
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BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/000,173

Applicant(s)

LE ET AL.

Examiner

Christopher J. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-17, 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Response to Arguments***

The examiner wishes to indicate that claim preambles have no patentable weight. The applicant has included the majority of independent claims 1, 15 and 21 in the preamble, including significant amendments. In the interest of prosecution the examiner has considered those amendments, but appropriate accommodations must be made.

Applicant's arguments, filed 2/22/2007, with respect to the rejection(s) of claim(s) 1-21 under have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Forslow US 6,973,057

***Claim Objections***

Claim 1 is objected to because of the following informalities: The last line of claim 1 states a "selected network portion" It is unclear which network portion the applicant is referring to. The examiner believes this is a "selected access network portion", and is interpreting it as such. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 4, and 5 recites the limitation "the first access network portion". There is insufficient antecedent basis for this limitation in the claim. The examiner is

interpreting the first network access portion as “the selected network access portion”.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5, 9-12, 15-17, and 19-21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forslow US 6,973,057 in view of Malkin US 6,061,650**

As per claims 1, and 15 Forslow teaches a communication system having a plurality of access network portions and a core network portion (UTRANs and Internet Backbone),(Col 19 lines 20-25, 40-47 Fig 8). Forslow teaches the access portions being coupled to the core network portion, (Fig 8). Forslow teaches a plurality of authenticators (AAA) coupled to the core network portion, each authenticator being associated with an access network portion (UTRANs coupled to the Internet BackBone, and AAA). Forslow teaches a mobile station operable to communicate by way of at least one selected access network portion of the plurality of access network portions once authenticated with a selected authenticator associated with the selected access network portion (MS is authenticated by AAA through UTRAN) (Col 19 lines 20-27, 35-39). The Authentication server is selected based on the access network selected (Fig 8).

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Forslow does teach a proxy (gateway) (Col 19 lines 29-32). Forslow does not provide specific details on authentication of the mobile terminal via the gateway.

Malkin teaches said identifier (gateway) for identifying indicia associated with the selected authenticator (authentication server), the indicia (IP address) being used to facilitate delivery of the authentication request to the selected authenticator, said identifier being formed of a proxy (gateway) located at the at least first access network portion, (Col 4 lines 15-32).

It would have been obvious to one of ordinary skill in the art to use the indicia of Malkin with the wireless authentication of Forslow because it allows the mobile station to direct its communication to the authentication server.

As per claims 2, 10 and 16 Forslow does not teach including indicia. Malkin teaches that the selected authenticator (authentication server) is coupled to the core access network (home network), the selected authenticator having an address associated therewith (IP address), and wherein the indicia identified by said identifier (gateway) and used to facilitate delivery of the authentication request to the selected authenticator comprises address indicia representative of the address associated with the selected authenticator (Col 4 lines 15-32), Fig 1.

As per claims 3, 11, and 17 Forslow does not teach indicia. Malkin teaches the selected authenticator authenticates the mobile station through effectuation of a selected authentication method, and wherein the indicia identified by said identifier and used to facilitate delivery of the authentication request comprises

authentication-method indicia representative of the selected authentication method. (authentication protocol) (Col 2 lines 55-57, Col 4 line 18).

As per claim 4, Forslow teaches a first authenticator, coupled to the core network portion, is associated with first access network portion and at least a second authenticator, also coupled to the core network portion, is associated with the at least the second access network portion (Fig 8).

Malkin teaches said identifier (gateway) for identifying indicia associated with the selected authenticator (authentication server), the indicia (IP address) being used to facilitate delivery of the authentication request to the selected authenticator, said identifier being formed of a proxy (gateway) located at the at least first access network portion, (Col 4 lines 15-32).

As per claim 5, Forslow does not teach indicia. Malkin teaches said identifier (gateway) for identifying indicia associated with the selected authenticator (authentication server), the indicia (IP address) being used to facilitate delivery of the authentication request to the selected authenticator, said identifier being formed of a proxy (gateway) located at the at least first access network portion, (Col 4 lines 15-32).

As per claim 9, Forslow does not teach indicia, Malkin teaches a request message forwarder (gateway) which includes an indicia field populated with values identified by said identifier to be associated with the authenticator (IP address, authentication protocol), (Col 4 lines 15-27).

As per claim 12, Forslow teaches that said identifier (access node) is positioned at the mobile station (part of a LAN) [0016].

As per claim 19, Forslow does not teach indicia. Malkin teaches the operation of forwarding a request message representative of the authentication request, the request message including the indicia associated with the authenticator (IP address), (Col 4 lines 15-32).

As per claim 20, Forslow does not teach protocol. Malkin teaches the request message forwarded during said operation of forwarding comprises a signaling protocol message (protocol compatible with AS) containing an indicia field containing values representative of the indicia identified during said operation of identifying (containing IP address and authentication protocol) (Col 4 lines 15-27).

It would have been obvious to one of ordinary skill in the art to use the protocol of Malkin with the system of Forslow so that the authenticator could properly understand the authentication request.

As per claim 21, As per claims 1, and 15 Forslow teaches a communication system having a plurality of access network portions and a core network portion (UTRANs and Internet Backbone),(Col 19 lines 20-25, 40-47 Fig 8). Forslow teaches the access portions being coupled to the core network portion, (Fig 8). Forslow teaches a plurality of authenticators (AAA) coupled to the core network portion, each authenticator being associated with an access network portion (UTRANs coupled to the Internet BackBone, and AAA). Forslow teaches a

mobile station operable to communicate by way of at least one selected access network portion of the plurality of access network portions once authenticated with a selected authenticator associated with the selected access network portion (MS is authenticated by AAA through UTRAN) (Col 19 lines 20-27, 35-39).

The Authentication server is selected based on the access network selected (Fig 8). Forslow does teach a proxy (gateway) (Col 19 lines 29-32). Forslow does not provide specific details on authentication of the mobile terminal via the gateway.

Malkin teaches said identifier (gateway) for identifying indicia associated with the selected authenticator (authentication server), the indicia (IP address) being used to facilitate delivery of the authentication request to the selected authenticator, said identifier being formed of a proxy (gateway) located at the at least first access network portion, (Col 4 lines 15-32).

Malkin teaches identifier is formed comprises an authentication request detector (receives message) and a request message forwarder (forwards message), said authentication request detector detecting the authentication request and said request message forwarder forwarding a request message representative of the authentication request (reformatted message), the request message including the indicia associated with the authenticator (includes IP address) (Col 4 lines 15-32).

It would have been obvious to one of ordinary skill in the art to use the indicia of Malkin with the wireless authentication of Forslow because it allows the mobile station to direct its communication to the authentication server.



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**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forslow US 6,973,057 in view of Malkin US 6,061,650 in view of Melaku US 2003/0032414**

As per claim 8, the previous Forslow-Malkin teaches a message forwarder but does not explicitly teach text-based protocol. Melaku teaches the communication system utilizes a text-based signaling protocol scheme (SMSC protocol), [0022].

It would have been obvious to one of ordinary skill in the art to use the SMSC protocol of Melaku with the Forslow-Malkin system because it is a well known widely compatible protocol.

**Claims 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forslow US 6,973,05 in view of Malkin US 6,061,650 in view of Ahonen US 2001/0009025**

As per claim 13 the previous Forslow-Malkin combination does not teach indicia where the indicia is pursuant to origination by the mobile station.

Ahonen teaches the mobile station is operable to originate a communication session therefrom and wherein said identifier (Firewall) identifies the indicia pursuant to origination by the mobile station of the communication station (source IP) [0013].

It would have been obvious to one of ordinary skill in the art to use the source address of Ahonen with the system of Forslow-Malkin so that the Authentication Server could respond to the mobile station.

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As per claim 14, the previous Forslow-Malkin combination does not teach a registration procedure. Ahonen teaches the mobile station is operable to initiate a registration procedure and wherein said identifier (Firewall) identifies the indicia pursuant to the registration procedure initiated by the mobile station, [0109], [0110], [0111].

It would have been obvious to one of ordinary skill in the art to use the registration of Ahonen with the system of Forslow-Malkin in order for the authenticator to register data to authenticate.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Brown



KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER

4/19/07